

## Summary of zoning alternatives from other communities as food-for-thought for farmland/open space/corridor protection efforts in Essex, Ipswich and Littleton

MAPC 9/9/10

### Town of Monson: Scenic Overlay Bylaw

Bylaw established that gave “site plan approval-like” approval authority to Scenic District Review Board (from Planning Board, Historical Commission, Conservation Commission, Selectmen) for all structures or earth removal within designated scenic areas. Strong design criteria established (roof style, color, building design, landscaping, maintenance of existing wooded vegetation, etc). Approval required prior to issuance of building permit, or prior to review by Planning Board or ZBA for special permits. However, no map designating the Scenic District was ever approved by the town, and no SBRB was ever established. Unclear what control this bylaw may have provided for ANR lots with new structures on them, since it could be argued by a landowner that they mitigated to the maximum extent all of the design issues.

### Town of Falmouth Habitat Protection Overlay Bylaw:

Establishes a Wildlife Habitat Overlay District, within which all divisions of land greater than 5 or 20 acres (depending upon zoning district) must preserve (by donation to non-profit or town or under a conservation restriction) a 300-foot-wide contiguous corridor that connects with such corridors or prospective corridors on adjacent land, for the purpose of allowing wildlife migration. Natural Resource Department makes recommendation to permit reviewing agency. Planning Board promotes cluster subdivisions where appropriate. Bylaw states that it covers “All subdivisions or divisions of land”, but it is not clear how it impacts ANR developments.

### Wilbraham Ridgeline and Hillside Overlay District: scenic view protection

Establishes all lands over 550 foot elevation as a special overlay district, where all developments (building permit, subdivisions, special permits) are subject to site plan review by the Ridgeline and Hillside District Review Board. Criteria and standards are established so that developments “blend harmoniously with the natural terrain and vegetation in order to preserve and protect the scenic character and the environmental quality of the site”. Does not appear to have an impact on ANR divisions.

### Topsfield Scenic Overlay District: Corridor preservation

Establishes district 1000 feet east and west of centerline of Route 1. Bylaw applies to all construction except additions to Single Family dwellings. Bylaw establishes a minimum 100’ setback from Route 1, within which all large trees are to remain and additional landscaping/screening is to be established if new structures would be visible from Route 1 (note that this applies to all lots: existing, subdivision or ANR). Larger developments such as subdivisions would be subject to the bylaw provisions such as “All construction shall be located to the extent possible behind natural elevations and vegetated areas of the property so that it is not visible from Route 1”.

### Shutesbury: Back Lots with Open Space Set-aside and Open Space Design

By a special permit issued by the Planning Board, back lots with zero roadway frontage (but with access to a shared driveway) may be permitted in order to allow development but also preserve (under conservation restriction) contiguous blocks of frontage. This has the advantage of allowing for rear-lot development instead of ANR, but it is a special permit process rather than a by-right process and there are no incentives provided to induce a landowner to choose this option. Planning Board Chairman

noted that this provision has recently been superseded; it was never used since it proved too cumbersome for those interested. It has been replaced by a bylaw that established a Forest Conservation District more than 500' from town roads, which requires open space design with a minimum 80% open space within the FC district. The goal of this district is to preserve working forestlands in contiguous blocks.

#### Westfield Transfer of Development Rights bylaw: Residential to Commercial transfers

Allows for transfer of residential development rights to business district (at a conversion rate of 1 dwelling unit yielding 2000 square feet of commercial space); also allows for increase in height limits and increase in percent lot coverage beyond base commercial regulations in order to allow for additional space resulting from TDR. Receiving area must have municipal water and sewer service.

#### Hadley Transfer of Development Rights bylaw: includes Alternative Method of Transactions

Emphasis here is on farmland preservation. Each acre of developable farmland that is preserved can be converted to 2000 square feet of commercial or industrial floor area, and a reduction in parking requirements, and an increase in allowable lot coverage for structures (there is no change to height limits). The bylaw also includes an Alternative Method for Transactions which consists of a payment to the town (to be used for later purchase of development rights on farmland) that is based upon the average value of purchased rights in the town in the past 3 years.

#### Hatfield Transfer of Development Rights: Using cash as TDR currency

Promotes transfer from agricultural areas to commercial and industrial areas where 1 development right converts to 2000 square feet of commercial/industrial development plus and increase in allowable percent building coverage. However, all transfers are by way of cash payment to the town, with the development right value based on per-acre assessed values of improved versus unimproved residential lands (with funds to be used by the town to purchase development rights).

#### Sunderland Special Resource Districts and TDR:

Agricultural, Critical Resource and Watershed Districts are included in the special resource districts. All new structures and all major residential developments are allowed only by special permit from the Planning Board. Submittals for major residential developments (defined as creation of 6 or more lots by subdivision or not) must include basic and alternative plans, one of which must be a flexible development proposal (cluster). Special Permits are granted if developments protect agricultural activity, scenic views, habitats, and fragile environmental resources. If this cannot be done the Board "may grant a special permit only upon the determination that nondevelopment alternatives for utilization of the site have been reasonably pursued and found to be infeasible, including transfer of development rights or sale of land or rights to other organizations having land preservation purposes". Development rights may be transferred out of these resource districts to developments elsewhere in town, where the developments may be increased in scale by a factor of 2.

#### Amherst Farmland Conservation District

The bylaw requires that residential developments under subdivision control law shall be submitted as cluster developments that protect the maximum feasible amount of permanently preserved farmland while also allowing for usable open space for active and passive recreation for the residents. Although the district does not include road frontage (and therefore appears to "give up on" ANR divisions), the bylaw states that "every reasonable effort shall be made to maintain views of open agricultural fields from nearby public ways.

#### Ipswich Open Space Preservation (Cluster)

Any development of greater than 6 or more dwellings or 4 or more acres must submit a cluster proposal, and if they choose, a conventional plan. Base cluster density is equal to conventional density, but bonuses for additional open space or increased affordable units can yield as much as 2 times base density. Conventional development requires 2-acre lots (note that zoning was changed from 1-acre density in order to promote cluster, which, using bonuses, could return to near 1-acre density).

#### Ipswich Green Space Preservation Development District

An overlay district that enables development of professional business offices and services in a residential district, subject to requirements for minimum 50% open space, minimum 100-foot naturally vegetated buffer to all streets and abutting lots, minimum 250-foot setback of structures from frontage street, maximum 30% impervious cover. Square footage of commercial space is set at 3000 square feet times the number of building lots that could be built on the site, plus a potential bonus for additional open space above the 50% required, but with a maximum FAR of .1. Septic system may be located in preserved open space area.

#### Additional General recommendations

Promote passage of Community Preservation Act at the 3% maximum to enable communities to acquire lands or easements to protect critical views and working farmlands (Essex approved at .5% in 2007; Littleton approved at 1% in 2007; Ipswich has not yet approved). Current match from the state is on the order of 34% of the total funds raised locally.